


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 6706 Cross Country Boulevard		

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE:

October 31, 2011

REQUEST

The Department of Planning has received Chana Adler-Feldman's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises for a day care center and increase the number of children cared for from 30 currently to 50. We understand that this appeal is scheduled for hearing on November 22, 2011.

SITE

6706 Cross Country Boulevard is located on the south side of the street, approximately 250' west of the intersection with Clarks Lane. This property measures approximately 70' by 203' and is currently improved with a one-story detached building measuring approximately 42' by 46'. This site is zoned R-1 and is located within the Northwest Community Planning Forum Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, day nurseries and nursery schools are a conditional use, requiring approval by the Board (§4-203). In this case, the property was last authorized for use as an elementary school, which is a permitted use in this R-1 Single-Family Residence District. The site plan filed by the applicant indicates that the building on this property is a "former residential structure".

In previous cases where a day care center is seeking to expand, Planning has supported a modest increase in capacity. However, Planning does not feel that this site will be able to adequately serve 50 children due to drop-off and pick-up issues, and that a lower capacity would be appropriate.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 50 parents were to all drive to this site attempting to drop off or pick up their children within the same short timeframe, it would be difficult to do in a safe and orderly manner, given the volume of traffic carried by Cross Country Boulevard, even if a two-car-length passenger loading zone would be established in front of the property. The site plan included with this application shows a proposed accessible walkway extending southward from the rear of the existing former residential structure across the rear lot line to the rear of the building on 3402 Clarks Lane, identified as "existing Congregation Ohel Levi Yitzchok Lubavitch synagogue". This latter property is shown as having an existing paved area for drop-off and pick-up (of children or others) accommodating 7 automobiles and not allowing parking from 9:00 a.m. to 10:00 a.m. and from 2:00 p.m. to 3:00 p.m. This would be an acceptable way to provide a safer drop-off and pick-up area than use of the roadway of Cross Country Boulevard. However, some of the parking area now being used by the synagogue is shown on the City plat map as part of a public street, and the proposed walkway also uses a part of the same public street.

Southeast

Off-Street Parking: The amount of off-street parking required for a day care center is one parking space per two staff members (§10-405.27.iii). In this case, for 5 or 6 staff members, three parking spaces are required; one is provided by the driveway next to the former residential structure's western side.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 66%, which is within the variable amount the Board may authorize.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant providing a long-term written commitment (for at least 20 years or the duration of operation of the day care center at 6706 Cross Country Boulevard) agreed upon by both the owner or operator of the day care center and the owner of the adjoining property at 3402 Clarks Lane, and upon the owner of 3402 Clarks Lane first obtaining legal title to that portion of the existing parking area and proposed walkway that is now known as part of Wallis Avenue.

TJS/wya/mf

cc: Chana Adler-Feldman, Appellant